

**AMENDMENTS TO THE CLAIMS:**

Claim 1 (currently amended). An apparatus for evaluating a business, comprising:

a data storage medium storing a plurality of inquiries regarding the performance of an employee of the business and a plurality of behavior based responses for each of the plurality of inquiries, with each of the plurality of behavior based responses having a value assigned according to the desirability to the business of the behavior based response;

an interface coupled to the data storage medium to present [[a]] the plurality of inquiries and the plurality of behavior based responses for each of the plurality of inquiries regarding the performance of an employee of the business and to receive a [[pre-]] selected behavior based response for each of the plurality of inquiries , with the behavior based response selected from a plurality of a behavior based responses provided with each of the plurality of inquiries and with each of the behavior based responses to each of the plurality of inquiries being assigned a value; to store the assigned value of the selected behavior based response;

a data storage medium coupled to the interface to receive and store the value for each of the behavior based responses; and

a processor coupled to the data storage medium to retrieve the values and to transform the values into at least one measure of performance; and

an output coupled to the processor to provide the at least one measure of performance in one of human readable form and machine readable form.

Claim 2 (original) An apparatus, as in Claim 1, wherein the at least one measure of performance is individual employee performance, a departmental performance average, a division performance average, a company performance average, an identification of training need, an indicator of training effectiveness, an action plan for the employee, an action plan for the department, an action plan for the division, an action plan for the company, a comparison of current performance with past action plans, a comparison of aggregated data over time for the employee, a comparison of aggregated data over time for the department, a comparison of aggregated data over time for the division, or a comparison of aggregated data over time for the company.

Claim 3 (currently amended) A computer readable medium storing a computer program for evaluating a business, the program comprising the steps of:

presenting a plurality of inquiries regarding the performance of an employee of the business;

providing a plurality of behavior based responses to each of the plurality of inquiries~~[[;]]~~,  
with each of the plurality of behavior based responses having a value assigned according to the desirability to the business of the response;

~~assigning a value to each of the plurality of behavioral based responses, the value indicating the desirability to the company of the response;~~

storing the values of selected behavior based responses; and

transforming the values of selected behavior based responses into at least one measure of performance.

Claim 4 (original) A computer readable medium, as in Claim 4, wherein the at least one measure of performance is individual employee performance, a departmental performance average, a division performance average, a company performance average, an identification of training need, an indicator of training effectiveness, an action plan for the employee, an action plan for the department, an action plan for the division, an action plan for the company, a comparison of current performance with past action plans, a comparison of aggregated data over time for the employee, a comparison of aggregated data over time for the department, a comparison of aggregated data over time for the division, or a comparison of aggregated data over time for the company.

Claim 5 (currently amended) A method for evaluating a business, comprising:

providing a plurality of inquiries ~~that evaluate an employees performance~~ regarding the performance of an employee of the business;

providing a plurality of behavior based responses to each of the plurality of inquiries, the plurality of behavior based responses indicating an objectively measurable behavior threshold  
with each of the plurality of behavior based responses having a value assigned according to the desirability to the business of the response;

~~assigning a value to each of the plurality of behavioral based responses, the value indicating the desirability;~~

storing the values of selected behavior based responses; and

transforming the values of selected behavior based responses into at least one measure of performance.

Claim 6 (original) A method, as in Claim 5, wherein the at least one measure of performance is individual employee performance, a departmental performance average, a division performance average, a company performance average, an identification of training need, an indicator of training effectiveness, an action plan for the employee, an action plan for the department, an action plan for the division, an action plan for the company, a comparison of current performance with past action plans, a comparison of aggregated data over time for the employee, a comparison of aggregated data over time for the department, a comparison of aggregated data over time for the division, or a comparison of aggregated data over time for the company